

<sup>1</sup> For OWCP decisions issued prior to November 19, 2008, a claimant had one year to file an appeal. An appeal of OWCP decisions issued on or after November 19, 2008 must be filed within 180 days of the decision. 20 C.F.R. § 501.3(e) (2008).

New Castle, DE 19720. Appellant did not appear at the hearing. By decision dated September 20, 2010, OWCP determined that she had abandoned her request for a hearing.

The Board has duly considered the matter and finds that OWCP erred in finding that appellant abandoned her request for a hearing. A review of the case file reveals that OWCP's July 28, 2010 notice of hearing was sent to 550 Dupont Parkway 46W, New Castle, DE 19720, rather than to appellant's address of record, 550 South Dupont Parkway, 46W, New Castle, DE 19720, and that appellant never received a copy of the notice. Accordingly, as the notice of hearing was mailed to an incorrect address, the September 20, 2010 decision is set aside. The case will be remanded to OWCP for rescheduling of the requested oral hearing.<sup>2</sup>

**IT IS HEREBY ORDERED THAT** the September 20, 2010 decision of the Office of Workers' Compensation Programs is set aside; the case record is remanded for further proceedings consistent with this order of the Board.

Issued: November 25, 2011  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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<sup>2</sup> Given the disposition of this matter, the Board will not schedule oral argument before the Board.